

TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

Final Rule LSA Document #20-633(F)

DIGEST

Adds [60 IAC 5](#) to regulate access to health records at the Indiana archives and records administration.
Effective 30 days after filing with the Publisher.

[60 IAC 5](#)

SECTION 1. [60 IAC 5](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 5. ACCESS TO HEALTH RECORDS

Rule 1. Definitions; Application

[60 IAC 5-1-1](#) Definitions

Authority: [IC 5-15-5.1-20](#)

Affected: [IC 5-15-5.1](#); [IC 16-18-2-168](#); [IC 16-18-2-226](#)

Sec. 1. As used in this article, unless the context clearly requires another meaning, the following definitions apply throughout this article:

- (1) "Health records" has the definition set forth in [IC 16-18-2-168](#).
- (2) "Mental health records" has the definition set forth in [IC 16-18-2-226](#).

*(Oversight Committee on Public Records; [60 IAC 5-1-1](#); filed Oct 28, 2021, 8:51 a.m.:
[20211124-IR-060200633FRA](#))*

[60 IAC 5-1-2](#) Release of records

Authority: [IC 5-15-5.1-20](#); [IC 16-39-2-6](#); [IC 16-39-5-3](#)

Affected: [IC 5-15-5.1](#)

Sec. 2. (a) Researchers requesting access to restricted health records, including mental health records, must submit a written application to the Indiana archives and records administration (IARA) privacy committee. The application must include:

- (1) the records to be used;
- (2) why the records are necessary for the research; and
- (3) an explanation of how identities will be concealed.

(b) IARA may provide access to health records for preparatory use only without approval by the IARA privacy committee.

*(Oversight Committee on Public Records; [60 IAC 5-1-2](#); filed Oct 28, 2021, 8:51 a.m.:
[20211124-IR-060200633FRA](#))*

[60 IAC 5-1-3](#) IARA privacy committee

Authority: [IC 5-15-5.1-20](#); [IC 16-39-2-6](#); [IC 16-39-5-3](#)

Affected: [IC 5-15-5.1](#)

Sec. 3. (a) The IARA privacy committee must include:

- (1) two (2) members of the Indiana state archives division;
- (2) the executive director of the Indiana archives and records administration;
- (3) the director of the family and social services administration division of mental health and addiction,

or the director's designee; and

(4) the director of the Indiana state library, or the director's designee.

(b) The IARA privacy committee shall respond to the research request within thirty (30) days of receiving the request.

(c) The IARA privacy committee must reach a majority for approval of the submitted application.

(d) The IARA privacy committee shall provide a statement to the requestor explaining the decision. The decision is final, although the committee may allow the requestor to resubmit an application.

(Oversight Committee on Public Records; [60 IAC 5-1-3](#); filed Oct 28, 2021, 8:51 a.m.:
[20211124-IR-060200633FRA](#))

LSA Document #20-633(F)

Notice of Intent: [20201230-IR-060200633NIA](#)

Proposed Rule: [20210818-IR-060200633PRA](#)

Hearing Held: September 29, 2021

Approved by Attorney General: October 18, 2021

Approved by Governor: October 26, 2021

Filed with Publisher: October 28, 2021, 8:51 a.m.

Documents Incorporated by Reference: None Received by Publisher

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Posted: 11/24/2021 by Legislative Services Agency

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